

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TAMYKA L. JOHNSON, et al,

Plaintiffs,

v.

CASE NO. 06-11984  
HON. LAWRENCE P. ZATKOFF

KAREN R. HANSON,  
Assistant Genesee County Prosecutor,  
and GENESEE COUNTY.

Defendant.

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**ORDER DISMISSING PLAINTIFFS' STATE LAW CLAIMS**

Plaintiffs filed their Complaint on April 28, 2006. Plaintiffs' Complaint contains the following five counts:

- |           |   |
|-----------|---|
| Count I   | Deprivation of civil rights in violation of the Fifth Amendment;            |
| Count II  | Deprivation of civil rights in violation of the Fifth and Sixth Amendments; |
| Count III | Gross Negligence;   |
| Count IV  | Libel; and  |
| Count V   | Libel.  |

*See* Complaint.

The Court has subject matter jurisdiction over Counts I and II, because they arise under federal law. *See* 28 U.S.C. § 1331. Counts III, IV, and V, however, are based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise

supplemental jurisdiction over Plaintiffs' state law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiffs' parallel state claims for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiffs' state law claims of Gross Negligence, Libel and Libel (Counts III, IV, and V) are hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiffs' federal claims (Counts I and II).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: May 31, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 31, 2006.

s/Marie E. Verlinde  
Case Manager  
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